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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 34th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 14 June 2016, at 3 p.m.

Chair: Mr. Sadi

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The meeting was called to order at 3 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fourth and fifth periodic reports of Angola (E/C.12/AGO/4-5; E/C.12/AGO/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Angola took places at the Committee table.*

2. **Mr. Graça** (Angola), introducing the combined fourth and fifth periodic reports of Angola (E/C.12/AGO/4-5), said that, in order to understand the current situation in his country, it was necessary to keep in mind that it had been at war during a third of its forty years of independence. As Angola's President had rightly noted, peace and security were essential to the development of democracy, the rule of law and the promotion of human rights.

3. The country's first post-conflict general elections had taken place in 2008, and the new Constitution, which had enshrined a number of fundamental rights and broadened the scope of economic and social rights, had been approved in 2010. The general elections of 2012 had been held in accordance with the new Constitution. The establishment of the Constitutional Court and the Ministry of Justice and Human Rights had afforded enhanced protection of their human rights to the people of Angola. Angola had also ratified a number of international human rights instruments, including the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention for the Protection of All Persons from Enforced Disappearance.

4. Angola had greatly strengthened its capacity to address its major social problems. As a result, life expectancy, like school attendance and literacy rates, had increased considerably, whereas infant and maternal mortality rates had fallen. Nonetheless, the Government was well aware that there was more to be done, particularly with a view to achieving better health outcomes.

5. Increased investment in the country's transport and energy infrastructure had given the population new economic opportunities and, combined with the improvements to the health and education sectors, had led to a steady increase, on the order of 3 per cent a year, in the country's human development index. Although Angola had been hit hard by the ongoing slump in oil prices, the Government had pursued a long-term strategy, Angola 2025, that had contributed to the country's recent development. It had also developed a strategy to weather the current economic and financial crisis. Its main objective was to step up the diversification of the Angolan economy, with a view to safeguarding the rights and interests of the country's most disadvantaged population groups. The people of Angola had the creativity to turn the current crisis into an opportunity.

6. **The Chair**, thanking the head of delegation for his opening statement, said that, while it was true that peace and security were the foundations for the enjoyment of human rights, the converse was also true, namely that the enjoyment of human rights was the foundation for peace and security.

7. **Mr. Zerbini Ribeiro Leão** (Country Rapporteur) said that although the combined fourth and fifth periodic reports submitted by the State party had shed light on its efforts to implement the provisions of the Covenant, a number of points remained to be clarified. He

wondered, for instance, whether the State party intended to ratify the Optional Protocol to the Covenant. He also wondered whether the Covenant was fully incorporated into domestic law and whether ordinary citizens could invoke the Covenant in domestic court proceedings. What mechanisms were in place to guarantee the independence of the judiciary?

8. He would welcome specific information on the steps taken by the State party to combat rampant inequality. Up-to-date statistics would be of particular interest in that connection. He asked whether the Office of the Ombudsman had been given a specific mandate and the resources necessary to fulfil it.

9. He wished to know whether the State party planned to set up a legal framework to ensure that the free and informed consent of people living in areas affected by proposed development projects, in particular indigenous people, was obtained before any such projects were launched. Current statistics relating to indigenous communities would also be welcome.

10. He asked what was being done to combat official corruption, which was apparently widespread, and what steps were being taken to ensure that the siphoning of funds did not deprive the social sector of badly needed resources. He also wondered how the State party intended to address its lack of anti-discrimination legislation and what measures it was taking to bring its treatment of economic migrants, asylum seekers and refugees into line with international standards. Statistics on migrants in the State party, broken down by gender, age range and place of residence, would be especially useful.

11. He asked what measures the State party had taken to address the customary land-inheritance laws that led to discrimination against women. The Committee would also welcome information on the steps being taken to combat gender segregation in employment and provide women with more opportunities to move out of the informal sector and into better-paid work.

12. **Mr. Pillay** said that he wished to know what the State party had done to address the Committee's concerns, expressed in its concluding observations on the combined initial, second and third periodic reports of Angola (E/C.12/AGO/CO/3, para. 12), about serious shortcomings in the administration of justice in the State party, in terms of access to justice, corruption and independence of the judiciary. Had the courts been given the resources they needed to operate in a timely and efficient manner?

13. Further, he asked whether the State party, as a member State of the Southern African Development Community (SADC), intended to reinstate the right of access of natural and legal persons to the regional SADC Tribunal under the new Protocol on the Tribunal.

14. **Mr. Uprimny** said that, with a Gini coefficient of 0.56, Angola was one of the most unequal countries in Africa and indeed the entire world. The high level of inequality affected not only the availability of resources, but also the enjoyment of economic, social and cultural rights. Although the country's Human Development Index score had increased to 0.532, it stood at only 0.335 if adjusted for inequality, a reduction of more than 30 per cent. The State party must address the issue of inequality as a matter of urgency from the perspective of economic, social and cultural rights. According to the High-level Panel on Illicit Financial Flows from Africa, illicit financial flows accounted for 7 per cent of GDP in Angola. What measures were being taken to combat corruption?

15. **Mr. Kedzia** said that, according to article 76 of the State party's Constitution and paragraph 108 of its report (E/C.12/AGO/4-5), work was both a right and a duty. The delegation should explain the concept of a duty to work. Was it a possible basis for compulsory or even forced labour or was it simply a moral obligation?

16. In paragraph 28 of its replies to the list of issues (E/C.12/AGO/Q/4-5/Add.1), the State party had reproduced data on the employment rate from the 2014 census, but the information provided on unemployment was inconclusive. It would be helpful for the delegation to inform the Committee of the general unemployment rate as recorded in the 2014 census and the benefits available for the unemployed. The Committee was concerned by the increase in the unemployment rate from 12.5 per cent in 2009 to 28.6 per cent in 2011. Although the increase must be interpreted in the context of the global economic crisis, the State party's economy was highly vulnerable to sudden shocks. What had the State party done to improve the resilience of the economy with a view to protecting the labour market? The Committee was particularly concerned by the high rate of youth unemployment, which was approximately 46 per cent for persons aged 15 to 19, and would like information on the effectiveness of the 2013-2017 National Development Plan aimed at combating youth unemployment. Information was also needed on the reported ban on the employment of asylum seekers and undocumented refugees.

17. In paragraph 20 of its concluding observations on the State party's initial to third periodic reports (E/C.12/AGO/CO/3), the Committee had noted with concern that the vast majority of workers were employed in the informal economy and were thus deprived of labour rights, the right to social security and protection from discrimination and exploitation. In paragraphs 33 and 34 of its replies to the list of issues, the State party had provided a limited response to the Committee's request for information on the measures taken to increase participation in the formal labour market, mentioning a series of actions planned in the framework of the 2013-2017 National Development Plan and the launch of a major programme to diversify the economy. The Committee would like to know the results of the State party's efforts, its predictions for the following five years and whether the actions planned in the framework of the 2013-2017 National Development Plan had become operational. It would also be helpful to know whether the State party had implemented a data-collection system to monitor unemployment in the informal labour market.

18. The Committee had asked how the new Labour Law reflected the principles enshrined in articles 6 and 7 of the Covenant, but the State party's response in paragraph 31 of its replies to the list of issues had been very general. It would be helpful for the delegation to elaborate on measures taken in relation to such issues as the minimum age of employment; child labour; labour inspections; equal pay for work of equal value; and sexual harassment in the workplace. Although sexual harassment was covered by the Penal Code, what provision was made for it under the Labour Law? The Committee had been provided with inconsistent information on the minimum wage and needed clarification: was the minimum wage 22,501 kwanzas, as stated in paragraph 32 of the State party's replies to the list of issues, or 25,000 kwanzas, as stated in paragraph 124 of its report?

19. In paragraph 22 of its concluding observations on the State party's initial to third periodic reports, the Committee had noted with concern the obstacles to the establishment of trade unions, their low membership and the excessive restrictions on the right to strike. The Committee had asked how the legal framework governing trade unions was being brought into line with the Covenant, but the response in paragraph 35 of the State party's replies to the list of issues had been limited. That being the case, the Committee would like the delegation to provide more information on the rate of trade union membership across the workforce; the rate of trade union membership by sector; the right of employees of foreign-owned companies to form and join trade unions; collective bargaining; the exercise of the right to strike in practice; recorded violations of the right to strike; the protection from harassment and discrimination offered to trade union members and leaders; and the right of trade unions to establish national federations and join international trade union organizations.

20. **Ms. Bras Gomes** said that the Committee had received rather disappointing information on the right to social security. Given that the proposed plan to raise more revenue for the social security system from voluntary contributions was unlikely to be sustainable in the long term, the Committee would like to know how else the State party planned to diversify its financing. The State party had informed the Committee of legislation guaranteeing universal coverage of social security, but the system seemed to be financed largely by voluntary contributions, which were beyond the means of many people. The Committee had previously recommended that the State party should extend the coverage of the social security system to include those working in the informal economy, among others. In that regard, was the State party cooperating with the International Labour Organization to extend the coverage of basic health insurance? The right to social security was often threatened in times of financial crisis. In the light of the head of delegation's comments about the effect of the current financial crisis, was the delegation familiar with the 2012 letter from the Committee's former Chair to all States parties to the Covenant on the impact of austerity measures on economic, social and cultural rights?

21. **Mr. De Schutter** said that a number of cash transfer programmes had been established in Angola to complement the compulsory social security system managed by the National Social Security Institute. According to recent figures, some 2.9 million individuals were covered by such programmes. It would be helpful to know whether they would be extended or universalized to cover the entire population. The Committee would also like to know whether they were based on rights, such that it was possible for independent adjudicators to redress any violations, how they were financed and how their financial sustainability would be ensured in the long term.

The meeting was suspended at 4 p.m. and resumed at 4.30 p.m.

22. **Ms. Manuela** (Angola) said that the Optional Protocol to the Covenant was one of a number of texts that Angola intended to ratify. Pursuant to article 26 of the Constitution, the Covenant could be invoked either directly, as was attested in the examples provided in the report under consideration, or indirectly via the relevant national laws in which it was reflected. The independence of the judiciary was guaranteed by various mechanisms. Candidates for the judiciary had to pass a national competition and undergo training at the National Institute of Legal Studies, and courts had their own budgets and were administratively independent. The Government was in the process of reforming the judicial system with a view to further strengthening its independence.

23. With regard to inheritance, discrimination against women should be interpreted in the light of article 7 of the Constitution, pursuant to which custom was valid if it did not contradict the Constitution or threaten human dignity. It would take time to change attitudes towards inheritance rights, but women were already able to defend their right to inherit before the courts. For cultural reasons, discrimination was generally a greater problem for women in rural areas. Pursuant to article 23 of the Constitution, all persons were equal before the law. The Government's ongoing reform of the Penal Code would include consideration of the problem of discrimination in line with the requirements of the Covenant and other international instruments to which the State was party.

24. **Ms. Cardoso Januário** (Angola) said that since 2008 the Government had been working closely with the regional office of the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme with the objective of accrediting the Ombudsman, set up in 2005, as the national human rights institution. The Office of the Ombudsman was already in compliance with the majority of the criteria of the Paris Principles and would be adapted to meet the remaining requirements. The Government was also currently considering the possibility of accrediting a different entity as the national human rights institution.

25. **Mr. Ceita** (Angola) said that, in accordance with a recent law, all stakeholders, including NGOs and trade unions, were able to participate in the national statistical system and influence the data collected. All of the employment data produced by the National Institute of Statistics over the past three years had been verified and closely monitored by international bodies including the United Nations, the International Labour Organization, the World Bank and the International Monetary Fund. Various types of statistics were produced under the national statistical system, including the monthly consumer price index, the annual national gross domestic product as well as child and maternal mortality statistics.

26. The Government had conducted a population census in 2014, for the first time in 40 years, in collaboration with the United Nations Population Fund and in line with United Nations methodology.

27. Employment data were collected through family surveys and also covered the informal sector. The surveys had been conducted on a regular basis every year except 2014, when they had been postponed in order to carry out the population census.

28. The Committee had mentioned an unemployment rate of 40 per cent, but that figure was incorrect and the actual rate for 2014 had been 24 per cent for men and 25 per cent for women.

29. **Mr. Graça** (Angola) said that the Southern African Development Community Tribunal was a regional entity and so was not under the control or authority of the Government. On the subject of corruption and illegal flows of capital, he could not confirm the figures cited by the Committee, as the sources of the data would need to be scrutinized and the Government did not have access to that information. It was also unfair to state that Angola had a generalized or widespread problem with corruption. Likewise, it could not be claimed that all 400,000 civil servants in Angola, representing 0.6 per cent of the entire population of the State, were involved in acts of corruption. The majority of civil servants were honest and trustworthy and simply wanted to see their State develop and succeed.

30. Nonetheless, the Government was not complacent when it came to identifying and tackling corruption in public sector bodies. From both a policy and legislative perspective, there were ample measures in place to prevent and combat corruption and provide oversight. Internally, the legality of all actions carried out by civil servants working in public sector bodies such as the Ministry of Finance, the Ministry of Education and the Ministry of Health was checked by in-house inspection services. Externally, a range of preventive checks were used to ensure that all tasks were carried out in accordance with the law and to review the General State Budget. The Court of Auditors was the main body responsible for conducting those checks, along with the National Assembly. For example, the legality of all financial transactions carried out by civil servants, regardless of their value, was checked. Any cases of suspected corruption were referred to the competent bodies.

31. On the subject of economic diversification, which was one of the priorities of the National Development Plan, the Promotion and Diversification of Economic Development Policy for 2013-2017 was intended to promote employment and economic growth. The objective of diversifying the economy and reducing the State's reliance on the oil sector was also part of the Strategic Programme for Long-Term Development. A degree of success had already been achieved given the fact that over the past 15 years the weight of the oil sector in relation to the economy as a whole had decreased from 52 per cent to 30 per cent. However, oil still accounted for 90 per cent of the State's exports and around 70 per cent of all tax revenue. The economy was therefore still very vulnerable to any market fluctuations in the oil sector and economic diversification was a strategic priority for the Government.

32. A strategy had been approved to channel funding towards diverse economic projects, improve production in various economic sectors, reduce the State's reliance on imports by

producing domestic substitutes for common imports, promote exports and support private investment projects. Over the previous three years, more than 700,000 new jobs had been created in Angola, which was an important step forward in dealing with economic inequality. The Government would continue to focus on measures to diversify and strengthen the economy, to ensure it was less vulnerable and more resilient to crises, and to create job opportunities in the future.

33. **The Chair** said that the responses provided were useful but rather vague; the Committee would therefore appreciate more detailed information in reply to the remaining questions.

34. **Mr. De Schutter**, while commending Angola's remarkable achievement in halving the proportion of its population that suffered from hunger, said that undernourishment and malnourishment remained prevalent, especially among certain groups, hence the importance of producing disaggregated data so that relevant policies could be better targeted. Drawing the delegation's attention to the Committee's general comment No. 12 on the right to adequate food and the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, he asked whether the State party intended to institutionalize the National Strategy for Food and Nutrition Security, whether the bodies provided for under the National Strategy had been established and whether they included representatives of civil society.

35. He asked whether the Contingency Plan for Calamities and Natural Disasters assigned duties to various government entities, allocated sufficient resources for preparedness, took account of the population's rights and provided for avenues to claim those rights.

36. Referring to paragraph 25 of the list of issues (E/C.12/AGO/Q/4-5) and the Committee's general comment No. 22 on the right to sexual and reproductive health, he requested more detailed information on the State party's efforts to provide sexual and reproductive health education that was comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate.

37. **Mr. Pillay** asked what programmes had been adopted to reduce high poverty levels, especially among disadvantaged and marginalized groups, such as rural women, large families, single parent households, children in street situations and indigenous peoples. He wished to know whether there was a housing deficit in the State party and, if so, who tended to face barriers in accessing social or affordable housing, what steps had been taken to address the issue and what the results had been. He also wished to know how successful the National Urban Planning and Housing Programme had been. He enquired about the number of people who, because they lived in informal settlements, were subject to forced eviction and about whether the legal framework governing forced eviction was in line with the Committee's general comment No. 7 on the right to adequate housing: forced evictions and with international standards.

38. **Mr. Uprimny**, referring to paragraph 217 of the State party's report, asked whether the figures on maternal mortality were accurate and, if not, what the correct figures were, ideally disaggregated by economic status. In relation to his earlier intervention, he said that the figures he had quoted came from table 3.1 of the Report of the High-level Panel on Illicit Financial Flows from Africa, which could be found on the website of the United Nations Economic Commission for Africa.

39. **Mr. Zerbini Ribeiro Leão** asked how the State party intended to prohibit polygamy in practice and what initiatives were in place to combat violence against women and girls.

40. **Mr. Atangana** said that additional information would be appreciated on the measures taken with regard to domestic violence and early marriage and the penalties

handed down in such cases; the economic exploitation of children; birth registration among foreign nationals, in particular refugees and asylum seekers; and the acquisition of Angolan nationality by the children of foreign nationals born in the country.

41. **Mr. Mancisidor de la Fuente** said that, while he commended the State party on the progress made in widening access to education, primary education still was not universal or free. He asked how the State party intended to achieve universal access and within what time frame. Regarding the levels of access achieved to date, he considered the information provided in paragraph 248 of the State party's report to be unsatisfactory, and enquired about plans regarding preschool education. He asked why there was a much higher dropout rate for girls than for boys, what steps were being taken to correct the imbalance, how the State party was addressing the disparity in access to education between rural and urban areas, and how it planned to remedy the school infrastructure problem, especially at the secondary level.

42. Referring to paragraph 257 of the State party's report, he asked whether more ambitious programmes on the integration of national languages into the education system were planned. He also asked what policies were being developed to improve the training of teachers and increase their recruitment and retention in a bid to raise the quality of education. Lastly, he wished to know to what extent it was possible to use national languages in order to participate in public life and what policies were in place to protect those languages and encourage their use, given that Angola was home to four languages under threat of extinction according to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

43. **Mr. Kerdoun** said that data should be provided on appropriations for education in 2015 and 2016, and on their share of the total State budget. He asked how the State party intended to remedy the high illiteracy rate among persons aged over 16, in particular women.

44. **Ms. Shin** asked how the State party ensured that women were able to bring cases of discrimination in inheritance matters to the courts given that many, especially those living in rural areas, were illiterate and unaware of their rights. Did they have access to legal assistance?

45. **Mr. Kedzia**, pointing out that the Internet was a powerful educational, cultural and administrative tool, invited the delegation to comment on access by groups who were disadvantaged in that regard, by reason of location, age or other factors.

46. **The Chair** suggested adjourning the proceedings to give the delegation time to prepare its answers for the following meeting.

The meeting rose at 5.40 p.m.